

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOYCE KAY OGLE,)	
)	
Petitioner,)	
)	
V.)	Civil No. 04-112-WDS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

PROUD, Magistrate Judge:

The above-captioned action to vacate, set aside or correct petitioner Joyce Kay Ogle's sentence in *United States v. Ogle*, 00-CR-30176-WDS, has been referred to the undersigned magistrate judge for an evidentiary hearing and report and recommendation. **(Doc. 10)**. At this juncture, only "ground four" remains. Plaintiff claims she received ineffective assistance of counsel in that trial counsel allowed testimony to come into the record without objection that had been subject to a motion in limine (00-CR-30176-WDS, Doc. 59), which the Court had ruled inadmissible unless the door was opened by petitioner. The specific testimony at issue was from Assistant U.S. Attorney John Ware regarding information allegedly derived from a proffer.

In accordance with Rule 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts, counsel must be appointed to represent petitioner Ogle. Appointed counsel must qualify under 18 U.S.C. § 3006A; therefore, this Court will turn to the District's approved list of attorneys qualified to represent criminal defendants.

IT IS THEREFORE ORDERED that attorney **Steven D. Miller, 1221 Locust Street, Suite 1000, St. Louis, MO 63103**, is hereby **APPOINTED** to represent petitioner Ogle in all

further proceedings in this District regarding the above-captioned action. Attorney Miller should familiarize himself as soon as possible with this matter, as the Court intends to proceed expeditiously.

IT IS FURTHER ORDERED that the Clerk of Court shall forward copies of this order to petitioner Ogle, all counsel of record, and the Office of the Federal Public Defender, which oversees the appointment of the Panel Attorneys in this District.

IT IS SO ORDERED.

DATED: January 18, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE